

SPECIAL CITY COMMISSION MINUTES

August 25, 2009

7:00 p.m.

The special meeting of the Junction City City Commission was held on Tuesday, August 25, 2009 with Mayor Terry Heldstab presiding.

The following members of the Commission were present: Terry Heldstab, Scott Johnson, Mike Rhodes, Ken Talley, and Jack Taylor. Staff present was: City Manager, Rod Barnes, Assistant City Manager Mike Guinn, City Attorney Catherine Logan, City Engineer Christina Cook, and City Clerk Tricia Gowen.

- a. Discussion and/or acceptance of the City Manager's letter of resignation and to determine a course of action.

City Manager, Rod Barnes, stated that he believes he has become a hindrance to the progress of the City and doesn't always have the loyalty of the staff. Turmoil keeps the City from progressing. He stated that he has had tremendous pleasure serving the City for the past 21 years. He can't think of a better place than Junction City to live. He is confident that the right team of individuals is in place to take keep the City moving forward. The list of accomplishments is long and he could go on and on about them. In the past ten years, the City has become the Employer of Choice. He will always champion for Junction City. He stated that his employment contract calls for a notification of 60 days and he will resign as City Manager effective November 1, 2009. Mr. Barnes stated that he is not leaving for any other reason that he's just tired.

Mr. Barnes outlined the options the Commission has to advertise for the position of City Manager. The advertisement can be handled completely in-house or the City can conduct a request for proposals to have a company handle the recruitment.

City Attorney, Katie Logan, stated that the Commission does not have to take any action to accept Mr. Barnes' resignation. She stated that the City Manger is contractually obligated to give at least 60 days notification of his resignation; which Mr. Barnes has done. Ms. Logan informed the Commission that if they want to terminate Mr. Barnes' employment sooner, the City is responsible for paying a larger severance pay.

Ms. Logan stated that the City Code requires the City to have a City Manager. The Commission must appoint an interim City Manager. It is necessary to have someone to serve in this position until a City Manager is hired. The interim City Manager can be a current staff member or the Commission can appoint someone from outside the City organization. The interim City Manager does not necessarily need to meet the minimum qualifications of the job description. Mr. Barnes informed the Commission that when an interim is appointed, there is usually a salary adjustment and there is contract during the interim time frame. Ms. Logan stated that she recommends a written agreement.

Commissioner Talley inquired if an interim City Manager was necessary since the City has an Assistant City Manager who is in charge when the City Manager is absent. Ms. Logan stated that the City's Codes does not have a provision when the City Manager leaves the City's employment that the Assistant City Manager automatically takes over. The Assistant City Manager being in charge in the absence of the City Manager is temporary.

Commissioner Taylor inquired if the Commission decides to use an outside agency for the recruitment of the new City Manager, will the City Attorney be involved in the process. Ms. Logan confirmed that she would be involved in the process.

Mr. Barnes told the Commission that he is open to extending his employment through December 31, 2009 if it helps the Commission.

Ms. Logan informed the Commission that on action that the Commission should resolve this evening is to authorize the staff to present options for the Commission at the next meeting.

Mr. Barnes stated that the staff can have a sample ad ready for the September 1st Commission meeting. Ms. Logan stated that the Commission should review and determine the qualifications for the position.

Mayor Heldstab stated that the Commission should discuss hiring a consultant versus conducting the recruitment in-house.

Commissioner Johnson stated that he likes the idea of having a committee comprised of community members to get input from them and advice.

Commissioner Rhodes stated that he has been through this process twice. One time a consultant was used and the other time the recruitment was done in-house. When the consultant was used, not many applications were received.

Mr. Barnes stated that if the Commission doesn't select anyone from the first round, they can return to the applicant pool and select others to interview. The Commission also has the option to reopen the position.

Ms. Logan stated that the Commission doesn't have to limit the number of candidates that they interview to three; any number can be interviewed. The committee of community members is a screening committee only; they will not have any authority to recommend who to hire.

Commissioner Johnson stated that using a committee give the community the opportunity for input. He stated that it may be easier to let Rod go now and let him get on with his life.

Commissioner Taylor stated that he likes the idea of having citizen input; similar to the Mayor's Task Force. He stated that it is hard to serve two masters; it leaves the employees wondering who they really report to.

Commissioner Talley stated that as long as a person is named City Manager, we know who the City Manager is. The decision is up to the Commission. He also likes the idea of having citizen input. He suggested having citizens have the opportunity to meet and talk to the candidates. He stated he believed this was a process that the City of Topeka used during their selection of a new City Manager.

Ms. Logan stated that having the candidates meet with the public would be separate and apart from the interview process. It would be conducted as a social gathering. The interviews will be conducted in Executive Session.

Mayor Heldstab stated that he also likes the idea of involving the community.

Mr. Barnes stated that the Commission can direct the staff to come back with all options and recommendations for the process at the September 1, 2009 Commission meeting.

Ms. Logan stated that the Commission does not need to take any action this evening.

Commissioner Rhodes stated that he has no problem with the candidates meeting the public. However, it may be detrimental to the candidate if they don't want their current employer to

know they are interviewing for another position. He stated that he appreciates Rod's offer to stay until the end of December. He stated that whoever the Commission appoints as City Manager then the employees know that person is the City Manager.

Ms. Logan stated that the Commission also has the option of appointing Rod as the Interim City Manager.

Commissioner Johnson inquired if each Commissioner should submit names of community members who are willing to serve on the committee.

Ms. Logan stated that the Commissioners should make their recommendations to the Mayor. The volunteers should be asked if they are willing to commit to the process because it will be time-consuming. Ms. Logan stated that a real effort should be made to get a cross section of the community for the committee.

Commissioner Talley asked if the Mayor was open to accepting the names for the committee. Ms. Logan stated that the committee does not have to be selected at the September 1, 2009 Commission meeting. At the September 1st meeting, the Commission can begin the ad process and determine the details of the process. Ms. Logan stated that if Commissioners make recommendations for volunteers to the Mayor, it is just a recommendation; the Mayor will make the final selection.

Mayor Heldstab stated that if anyone in the public is interested, they need to contact their Commissioners to have their names submitted.

Ms. Logan stated that the number on the committee should not get too large and unwieldy. She recommends a committee of seven or nine people.

Mr. Barnes stated that the Commission needs to work through the City Attorney and Human Resources for the process.

Commissioner Johnson inquired if the committee members must reside in Junction City or can they own and operate a business in town. Commissioner Rhodes stated that he feels the committee members should be City residents. Commissioner Taylor agreed. The Commission agreed that the committee should consist of nine members. Commissioner Taylor thanked Commissioner Rhodes for his input on his experiences in the past with this process and his insight.

Commissioner Rhodes moved, seconded by Commissioner Talley to have City staff draft a sample ad, update the job description and obtain costs for utilizing an outside company for the recruitment process for the City Manager position. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

ADJOURNMENT

Commissioner Talley moved, seconded by Commissioner Rhodes to adjourn at 7:41 p.m. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion Carried.

APPROVED AND ACCEPTED THIS 1st DAY OF SEPTEMBER 2009 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY SPECIAL COMMISSION MINUTES FOR AUGUST 25, 2009.


Tricia Gowen, City Clerk
Terry Heldstab, Mayor

